

REMARKS

Rejection of Claims 1-4 Under 35 U.S.C. § 102(b)

Claims 1-4 were rejected under 35 U.S.C. § 102(b) over US 2001/0031348 (“Jud”). Amended claim 1 recites “wherein the primer layer comprises a cross-linking two component primer.” Applicants respectfully submit that Applicants’ claim 1 is patentable over Jud, at least because Jud fails to teach or suggest Applicants’ claimed primer layer.

Jud discloses a sterilisable composite film containing a barrier layer, a metal foil, and on both sides of the barrier layer, at least one functional layer. See figures 1 and 2 and paragraph [0001]. Applicants respectfully clarify that although Jud discloses optionally pre-treating the foil with a primer on paragraph [0019], Jud fails to teach or suggest a primer layer as claimed by Applicants. Moreover, Jud fails to teach or suggest a primer layer that includes a cross-linking two component primer as required by Applicants’ claim 1.

Accordingly, Applicants respectfully submit that amended independent claim 1 is patentable over Jud. Amended claims 3 and 4 depend directly from claim 1. Therefore, Applicants respectfully submit that amended claims 3 and 4 are also patentable over Jud. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of Claims 1-6 Under 35 U.S.C. § 112 second paragraph

Claims 4 and 5 were rejected for reciting the term “compatibility agent.” The Examiner asserts that the term “compatibility agent” renders the claims indefinite because one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In Applicants’ Amendment and Response dated April 10, 2008, Applicants enclosed excerpts from German textbooks (1) titled “Polymer-Werkstoffe” authored by Gottfried W. Ehrenstein published 1999, pages 94-95, and (2) titled “Kunststoff Recycling” edited by L. Wolters published 1997, pages 161-164 respectively to illustrate that the term “compatibility agent” is well known in the art.

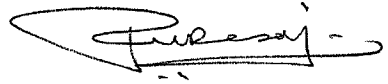
Applicants respectfully clarify that the term “Verträglichkeitsvermittler” as used in the original German patent application (i.e. DE 10235583.5, the priority document) is synonymous

with the terms “Verträglichmacher” and “Verträglichkeitsverbesserer” as disclosed in the textbook excerpts.

CONCLUSION

In view of the foregoing together with Applicants’ remarks dated April 10, 2008, Applicants respectfully submit that claims 1 and 3-6 are in condition for allowance and request favorable action. The Examiner is welcome to contact Applicants’ agent at the number below with any questions.

Respectfully submitted,



Date: May 27, 2008
PTO Reg. L0312

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